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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,692	07/15/2003	Kenichi Oono	Q76160	5529
23373	7590	02/23/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			GOMA, TAWFIK A	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/618,692	OONO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tawfik Goma	2653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

<ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)            Paper No(s)/Mail Date _____.</li> </ol>	<ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413)            Paper No(s)/Mail Date. _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol>
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## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "the measurement rotation speed" in line 4 of claim 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (US 6414921).

Regarding claim 1, Kim discloses an unbalance disc detection apparatus comprising: a photo detector which receives, at its photo reception region, reflection light from a disc on which a laser light is irradiated (fig. 3); a push-pull signal calculation section which obtains change of a light quantity detected by the photo reception region as a push-pull signal (fig. 3 and 33, fig. 4); a tracking drive control section which turns

on and off a tracking drive mechanism for tracing (31, fig. 2), in a radial direction of the disc (col. 1 lines 58-64), an objective lens for projecting the reflection light of the laser light on the photo reception region (51, fig. 3); and an unbalance disc discriminating section which discriminates whether or not a level of the push-pull signal exceeds a threshold value in an off-state of the tracking drive mechanism to discriminate an unbalance disc (29, fig. 2 and figs. 4, 5a, 5b).

Regarding claim 2, Kim further discloses wherein the unbalance disc is discriminated with reference to a threshold value which is changed in accordance with a measurement rotation speed (fig. 4 and 5b). The threshold value is changed as both Vh1 and Vh2 are used in the comparison with the measurement control speed set in step S12 for fig. 5A.

Regarding claim 3, Kim further discloses wherein the disc is driven by a motor (32, fig. 2 and col. 3 line 5).

Regarding claim 4, Kim further discloses wherein the threshold value is set in correspondence to a predetermined measurement rotation speed (fig. 5A, 5B). Kim discloses a predetermined test rotation speed (col. 4 lines 21-25) that corresponds to a preset test mode where Vth1, and Vth2 are set according the test mode.

Method claims 5, 7 and 8 are drawn to the method of using the corresponding apparatus claimed in claims 1, 3 and 4. Therefore method claims 5, 7, and 8 correspond to apparatus claims 1, 3 and 4 and are rejected for the same reasons of anticipation as used above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6414921) in view of Jeong (US 6826136).

Regarding claim 6, Kim discloses everything claimed as applied above (see claim 5). Kim fails to disclose wherein when a level of the push-pull signal does not exceed the threshold value, a measurement rotation speed is updated and the unbalance disc is discriminated with reference to a threshold value set according to the updated measurement rotation speed. In the same field of endeavor, Jeong discloses a method of discriminating an unbalance disc wherein a reference value is updated following the update of the measurement rotation speed (s20-s24, fig. 2). It would have been obvious to one of ordinary skill in the art to modify the method disclosed by Kim by updating the measurement rotation speed and update the threshold value when the measurement rotation speed is updated as taught by Jeong. The rationale is as follows: One of ordinary skill in the art would have been motivated to update the measurement rotation speed and update the threshold value upon updating the measurement rotation speed as taught by Jeong in order to perform recording/reproduction at the maximum allowable speed (see col. 6 lines 10-15 of Jeong).

### Contact Information

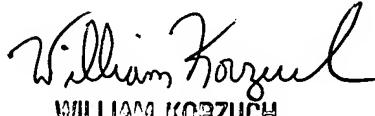
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T. Goma  
2/17/2006



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